

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 3<sup>RD</sup> DAY OF JANUARY 2013

BEFORE

**THE HON'BLE MR. JUSTICE DILIP B BHOSALE**

W.P.NO.4280/2012 C/W W.P.NO.14953/2012(GM-RES)

**IN W.P.4280/2012 (GM-RES)**

BETWEEN

Y N CHANDRAMMA  
D/O KRISHNE GOWDA  
AGED ABOUT 45 YEARS  
PUBLIC INFORMATION OFFICER  
AND TAHSILDAR  
SAKALESHAPURA TALUK  
HASSAN DISTRICT.

... PETITIONER

(BY SRI.S. JAVEED, ADV FOR  
M/S. LEX PIONEERS R KOTHWAL & ASSTS)

AND

1. SRI A R VISWANATHA  
FATHERS NAME NOT KNOWN TO  
THE PETITIONER, AGE: MAJOR  
SOCIAL & ENVIRONMENTAL ACTIVIST  
SWAMY VIVEKANANDA PUBLIC  
INTEREST FOUNDATION, TEMPLE STREET  
AREHALLY TOWN, BELUR TALUK  
HASSAN DISTRICT - 573 101

2. THE KARNATAKA INFORMATION COMMISSION  
NO. 14/3, ARAVINDA BHAVAN  
MYTHIC SOCIETY BUILDING  
NRUPATHUNGA ROAD  
BANGALORE- 560 001. ... RESPONDENTS

(BY SRI: G B SHARATH GOWDA ADV FOR R2)

THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DTD.8.12.11 PASSED BY THE R2 - KARNATAKA INFORMATION COMMISSION VIDE ANNEX-K IN COMPLAINT NO.KIC 12132 PETITION 2010.

**IN W.P.14953/2012 (GM-RES)**

BETWEEN

P G NATARAJ  
S/O LATE D. GURULINGAPPA  
AGED ABOUT 56 YEARS  
FORMER TAHSILDAR, BELUR TALUK  
HASSAN DISTRICT  
NOW HOLDING THE OFFICE OF OFFICE  
ASSISTANT TO DEPUTY COMMISSIONER  
OFFICE OF THE DEPUTY COMMISSIONER  
CHICKKAMAGALUR ... PETITIONER

(BY SRI.S. JAVEED, ADV FOR  
M/S. LEX PIONEERS R KOTHWAL & ASSTS)

AND

1. THE KARNATAKA INFORMATION COMMISSION  
1ST GATE, 3RD FLOOR, 3RD STAGE  
MULTISTORIED BUILDINGS  
BANGALORE - 560001  
REPTD. BY ITS COMMISSIONER

2. SRI A.R.VISWANATH  
S/O A.E.RUDRAPPA  
AGE: MAJOR  
R/AT. TEMPLE STREET, AREHALLY TOWN  
BELUR TALUK,  
HASSAN DISTRICT-573 101 ... RESPONDENTS

(BY SRI: G B SHARATH GOWDA ADV FOR R1)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 8.2.12 PASSED BY KARNATAKA INFORMATION COMMISSION VIDE ANNEX-H

THESE W.Ps. COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

**PC:**

Heard learned counsel for the petitioners.

2. Petitioners in these writ petitions are the Public Information Officers within the meaning of the Right to Information Act, 2005 (for short 'the Act'). The petitioners impugn the order dated 8.12.2011 passed by the Karnataka Information Commission on the complaint made by the original applicant under section 18 of the Act. The Commissioner vide his order dated 20.11.2011 had

issued notice to the petitioners to show cause as to why action against them under section 20 (1) of the Act be not taken. Individual notices were issued against four Public Information Officers including the present petitioners. There does not appear to be any dispute that to the show cause notices the petitioners did not offer any explanation for the delay caused in furnishing the information to the applicant and they simply stated that they had furnished the information sought by the applicant in reply to the show cause notice and requested the Commissioner not to levy any penalty. It is against this backdrop penalty of Rs.5,000/- each has been levied against the petitioners for the delay in providing the required information.

3. Learned counsel for the petitioners at the outset invited my attention to section 20 (1) of the Act and submitted that the petitioners were not holding the post of Central Information Commission or State Information Commission Officers, as contemplated by section 20 (1)

and therefore, the order passed under sub-section (1) is wrong and illegal. He did not advance any other argument challenging the order impugned in the present writ petitions.

4. I have perused the provisions contained in section 20 (1) of the Act and so also the definition of the "State Public Information Officer" as provided for in clause (m) of section 2 of the Act. Under this clause "State Public Information Officer" means the State Public Information Officer designated under sub-section (1) and includes a State Assistant Public Information Officer designated as such under sub-section (2) of section 5. Section 5 of the Act provides designation of Public Information Officers. Sub-section (1) thereof clearly provides that every public authority shall, within one hundred days of the enactment of this Act, designate as many officers as the Central Public Information Officers or State Public Information Officers, as the case may be, in all administrative units or offices

under it as may be necessary to provide information to persons requesting for the information under this Act. From bare perusal of section 5 it is clear that every State Public Information Officer or Assistant State Public Information Officer is designated as Public Information Officer. In other words, every officer designated as a State or Assistant State Public Information Officer is a Public Information Officer within the meaning of section 5 of the Act. Insofar as the petitioners are concerned, there is no dispute that they are Public Information Officers. Thus, I do not find any merit in the submission advanced by the learned counsel for the petitioners.

Hence the petitions are dismissed.

**Sd/-**  
JUDGE

SAK